

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CONSOLIDATION COAL COMPANY,)

Plaintiff,)

v.)

**UNITED STATES DEPARTMENT
OF THE INTERIOR, NATIONAL
PARK SERVICE,**)

and)

**CAROL D. SCHULL, individually and
in her capacity as Keeper of the National
Register of Historic Places,**)

and)

ROY and DIANE BRENDEL,)

Defendants.)

**ROY BRENDEL and DIANE
BRENDL,**)

Third Party Plaintiffs,)

v.)

**CONSOLIDATION COAL COMPANY,
NORTHERN WEST VIRGINIA
REGION, a Delaware corporation
with a principal place of business in
West Virginia,**)

and)

**DARREL D. AUCH, individually and
in his official capacity as Senior Vice
President for Mining, Consolidation
Coal Company, Northern West Virginia
Region, Morgantown, West Virginia,**)

and)

**SHEIRL FLETCHER, individually and
in his official capacity as Certified
Professional Geologist, Consolidation
Coal Company, Northern West Virginia
Region, Morgantown, West Virginia,**)

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and)
)
CONSOL ENERGY, a Delaware)
Corporation,)
)
and)
)
THOMAS F. HOFFMAN, individually)
and in his official capacity as Vice)
President, Investor and Public Relations,)
CONSOL Energy,)
)
and)
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, OFFICE OF)
SURFACE MINING RECLAMATION)
AND ENFORCEMENT,)
)
and)
)
PENNSYLVANIA DEPARTMENT)
OF ENVIRONMENTAL)
PROTECTION,)
)
Third Party Defendants.)

ORDER OF COURT

AND NOW, this 18th day of May, 2006, the court having confirmed with counsel at the conciliation conference held on May 17, 2006, that a settlement has been reached as to all aspects of plaintiff's claims and all aspects of the claims by Roy and Diane Brendel as third party plaintiffs, and the only remaining matter in the entire case is the submission of a stipulation for settlement and discontinuance; therefore, with no further action being required by the court at this time, the following order is entered:

IT IS ORDERED that the Clerk of Court mark the above case closed.

Nothing contained in this order shall be construed as a final dismissal or disposition of this case and should further proceedings in it become necessary, any party may initiate the

appropriate course of action in the same manner as if this order had not been entered.

Jurisdiction is retained over the completion and enforcement of the settlement agreement.

s/ David Stewart Cercone

David Stewart Cercone

United States District Judge

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